

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
JULY 8, 2003
DRAFT

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Reverend Pam Wellons, St. Stephens Lutheran Church at the invitation of Commissioner Thael. It was followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- a. The attached retirement resolution was presented to Lonnie Walsh, Library Branch Manager at Lake Jackson Branch Library, for 39 years of service with Leon County.

- b. The attached resolution was presented in recognition of the success of Richard's Raiders Cheerleading Squad in local and State competitions:

- c. The attached resolution was presented to Tom and Barbara Rollins recognizing them for their "Outstanding Spirit of Community and Patriotism" in hosting a Community Celebration on the Fourth of July.

- d. The attached resolution was presented to Dr. Dean Sybil Mobley, recognizing her for 58 years of business and education leadership in the community and as Dean of the FAMU Business Institute. The resolution declares July 8, 2003 as "Dr. Dean Sybil Mobley Day."

Consent Agenda

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Proctor and Thael were out of the Chambers) to approve the following Consent Agenda with the exception of Items 3 and 7 which were addressed as described:

1. Approval of Minutes

The Board approved the following Minutes: May 27, 2003 Regular Meeting and June 24, 2003 Regular Meeting

2. Approval of Payment of Bills and Vouchers Submitted For July 8, 2003 and Pre-approval of Payment of Bills and Vouchers Submitted for July 9, through July 21, 2003

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for July 8, 2003 and pre-approve payment of bills and vouchers for the period July 9, 2003 through July 21, 2003: \$7,097,101.88

3. Acceptance of the Annual Audit and Financial Report (FY 2001/02) from Thomas Howell Ferguson P.A. and Law, Redd, Crona & Munroe, P.A., Certified Public Accountants

This item seeks Board acceptance of the FY 2001/02 Annual Audit and Financial Report from the County's external auditors, Thomas Howell Ferguson P.A. and Law, Redd, Crona & Munroe, P.A., Certified Public Accountants, along with the response to the auditor's Management Comments letter. Upon approval, the Management Comments letter and Management's Response will be forwarded to the Auditor General as required by Florida Statute.

County Administrator Alam pulled this item and clarified that the recommendation was to approve Options 1 and 2 (and not just Option 1 as described in the agenda).

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Thael and Proctor were out of the Chambers), to approve Options 1 and 2: 1) Accept the FY 2001/02 Annual Audit and Financial Report; 2) Authorize the Chairman to sign the attached letter in response to the audit findings in the management letter:

4. Ratification of Board Actions Taken at the June 24, 2003 Workshop and Presentation by the Florida Stormwater Association on the Department of Environmental Protection's New "Total Maximum Daily Loads" Water Quality Initiative

The Board approved Option 1: Ratify Board actions taken at the June 24, 2003 workshop and presentation by the Florida Stormwater Association to local government officials on the Department of Environmental Protection's new water quality initiative: Total Maximum Daily Loads: See attached agenda request:

5. Request to Schedule the First and Only Public Hearing to Repeal Section 8, Article II, *Child Care Centers*, of the Leon County Code of Laws on Tuesday, July 22, 2003 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only public hearing to repeal Chapter 8, Article II, Child Care Centers, Leon County Code of Laws for Tuesday, July 22, 2003 at 6:00 p.m.

6. Approval to Submit a Healthy Community Access Program Grant Application

The Board approved Option 1: Approve request to submit a Healthy Community Access Program (HCAP) Grant application (formerly known as the CAP grant), funding for the period September 1, 2003 through August 31, 2004.

7. Consideration and Agreement with the Capital Cascades Sector Plan Scope of Services

Staff is seeking the Board's consideration and agreement with the Capital Cascade Sector Plan Scope of Services prior to issuing the request for services. The Capital Cascades Sector Plan is the third sector plan proposed for properties located in the Southern Strategy Area. Because this will go through the City's procurement process, but was jointly funded by the City and County, staff is following normal County procedure to present this to the Board prior to issuing the RFP (Request for Proposals).

Chairman Grippa pulled this item to note the reference to the downtown CRA in the Scope of Services in the RFP and asked that it be removed since there is not a downtown CRA.

Commissioner Maloy moved and was duly seconded by Commissioner Sauls to continue this item until July 22, 2003 Board meeting.

Ms. Valerie Hubbard, Planning Department Director, explained that the reference to "downtown (expanded) CRA " would be removed from the Scope of Services.

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Proctor was out of chambers), to approve Option 1 with the change as underlined: Option 1 - Agree with the Capital Cascades Sector Plan Scope of Services with the removal of all references to the Downtown (Expanded) CRA.

8. Acceptance of Two Conservation Easements – Michael Rogers (for the Rogers Limited Partition Subdivision) and Robert Kornegay (for the Kornegay Warehouse Addition Phase V Project)

The Board approved Options 1 and 2: 1) Approve and accept for recording the conservation easement from Michael Rogers for the Rogers Limited Partition Subdivision; 2) Approve and accept for recording the conservation easement from Robert Kornegay for the Kornegay Warehouse Addition Phase V.

9. Approval to Reclassify the Solid Waste Division Maintenance Supervisor I to Rural Waste Site Foreman

The Board approved Option 1: Approve the downgrade of the Maintenance Supervisor I position to a Rural Waste Site Foreman.

10. Request to Schedule a Public Hearing on July 22, 2003 at 6:00 p.m. to Finalize the Design Plans and Adopt a Resolution for the Acquisition of Property for the Buck Lake Road Widening Project

The Board approved Option 1: Schedule a public hearing to adopt a resolution for the acquisition of property for the Buck Lake Road Widening Project for July 22, 2003 at 6:00 p.m.

11. Request to Schedule a Public Hearing on July 22, 2003 at 6:00 p.m. to Finalize the Design Plans and Adopt a Resolution for the Acquisition of Property for the Orange Avenue Widening Project

The Board approved Option 1: Schedule a public hearing to finalize the design plans and adopt a resolution for the acquisition of property for the Orange Avenue widening project for July 22, 2003 at 6:00 p.m.

12. Approval of Travel Request for Commissioner Thael to Attend the National Association of Counties (NACo) Annual Conference from July 10 – 17, 2003 in Milwaukee, WI.

The Board approved Option 1: Approve travel expenses to attend the National Association of Counties Annual Conference from July 10 – 17, 2003 in Milwaukee, WI.

The Board then entered Public Hearings, Item 22.

General Business

13. Reconsideration for Discussion Purposes of the Request for the Issuance of a Temporary Certificate of Occupancy for the WFSU Transmitter Facility and Broadcast Tower

At the June 24th meeting, the Board denied WFSU's request for issuance of a temporary Certificate of Occupancy (CO) to the WFSU Transmitter Facility and Broadcast Tower. WFSU officials were not aware that this item was on the agenda and asked that they be allowed to address the Board. It was noted that a temporary CO cannot be issued without a local site plan, environmental and septic tank permit approvals.

Gary Yordon, 1306 Toochin Nene, stated that he was representing the WFSU Transmitter Facility and Broadcast Tower on a volunteer basis and was present to respond to Board's inquiries.

County Attorney Thiele explained that in order for a party to maintain their equipment during the interim period, they need temporary power and cannot obtain it without a temporary CO. The party has agreed to go through the permitting procedures before they permanently occupy and utilize the facility. The proposed action would allow them to do that and to go through County permitting and abide by all the requirements.

Commissioner Sauls inquired about protection of migratory birds and Mr. Yordon pointed out that new lighting with reflective material is being installed to protect wildlife and the plan will exceed the ordinance requirements.

Commissioner Thaele inquired if this would set a precedent for other applicants. Mr. Thiele explained that he did not think it would because of the unique circumstances of the case. There was a misunderstanding about the moratorium, which the Board enacted on broadcast towers. The Board exempted the WFSU Broadcast Tower from the moratorium and there was a misunderstanding that the exemption applied to all permitting.

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Options 1 and 2: 1) Rescind prior Board action denying the issuance of a temporary CO to the WFSU Transmitter Facility and Broadcast Tower; 2) Approve the issuance of a temporary CO to the WFSU Transmitter Facility and Broadcast Tower by the FSU Building Inspection Office, while the site plan and environmental and septic tank permits are being processed.

14. Approval of the Implementation Plan and Budget for the County Emergency Medical Services (EMS) Department

On June 24, 2003, the Board voted to create a County-run Emergency Medical Services (EMS) Department to provide emergency medical and transport services to the citizens of Leon County. The Board further directed staff to return with an implementation plan and proposed budget for this department. The requested information is included in the agenda request.

Chairman Grippa noted that the proposal is to have first response at the fire stations. Commissioner Grippa suggested that this would be an opportunity for the County to contract with the Fire Department to provide that service. County Administrator Alam stated that if the Fire Department was willing to provide the ALS (advanced life support) service at a reasonable cost it would be an appropriate option. He recommended that County staff work with the City to determine if they are interested in doing so; the County would pay the City a reasonable cost for providing the service, although, this does not reopen the City/County Fire agreement.

Commissioner Thaele asked about the evaluation and purchase of TMH equipment, particularly vehicles and other medical-related equipment. He has been told to not purchase TMH's equipment, that it was in disrepair. Staff advised that the County will be looking into all aspects of the equipment and the County will only acquire equipment that is useful and is in good shape.

Chairman Grippa pointed out that the Board is not adopting a tax tonight and he plans to recommend various cuts in the budget. If the Board does approve an MSTU tax to fund the emergency medical services, he emphasized the importance of following a schedule that causes the tax to go down each year and eventually eliminates the tax. Commissioner Thaelle stated, for the record, that he personally pledges, by the end of this term, to do everything possible to eliminate the MSTU tax for the EMS. He explained that the first year of operation would be the largest cost due to purchasing ambulances, equipment, etc., but by second and third year, the cost should be declining and eventually, it would be absorbed in the regular millage.

Commissioner Thaelle moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Options 1, 2, 3, and 4 with the addition that staff work with the City about the Fire Department providing ALS first response at a reasonable cost:

- 1) Accept the EMS implementation time line and budget as presented, and authorize the County Administrator to proceed with the activities as noted;
- 2) Authorize the Chairman to sign and execute the agreement for the extension of TMH EMS through December 31, 2003;
- 3) Approve the attached budget amendment request in the amount of \$50,000 for recruitment and advertising efforts, and authorize this activity;
- 4) Authorize the procurement activity of capital equipment.

Carol Kio-Green, 4823 Sullivan Road, reminded the Board and staff that there is existing equipment that the County has already paid for by being a grant recipient throughout the years. Mr. Alam responded that the County has the information and would be reviewing it.

Chairman Grippa stated for the record, that Mayor Marks and other City Commissioners that he talked with want to negotiate in good faith as well City Manager Anita Favors and County Administrator Parwez Alam.

Commissioner Rackleff stated that by January 1, 2004, the County would have a County-run ambulance service in place that will provide a higher level of service. The City will decide if a County tax can be collected from city taxpayers.

Commissioner Thaelle suggested taking money from the existing budget to cut the amount needed; use the money that was slated out of contingency for purchase of the Fringe Benefit Building (\$1.75 million) and roll that into the first year of EMS for purchase of capital equipment (ambulance equipment) and that would lower the amount of millage needed. Chairman Grippa pointed out that this was one of the recommendations that he made earlier and suggested that it be considered during budget workshops.

The Board entered discussion of Public Hearings, Item 22.

15. Acceptance of the Legislative Session 2003 Final Report and Direction on Lobbying Services for the 2004 Legislative Session

Commissioner Maloy moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve Options 1, 2 and 3:

- 1) Accept the Legislative Session 2003 Final Report;
- 2) Direct staff to schedule a Workshop for 2004 State and Federal Legislative Priorities on September 23, 2003 from 2:30 – 4:00 p.m.
- 3) Direct staff to extend the existing contracts with both the Skelding & Cox Firm and the Shutts and Bowen Firm at \$40,000 each for one additional year.

The Chairman announced that Commissioner Winchester has been absent during the meeting because his grandmother is gravely ill.

16. Acceptance of Report on Leon County Energy Conservation Measures

This agenda item provides a report on current energy conservation measures undertaken in Leon County and requests Board approval to proceed with future energy conservation initiatives which include the procurement of an Energy Savings Contractor (ESCO) for County buildings through a Florida Department of Management Services State Contract.

Commissioner Proctor moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve Options 1 and 2: 1) Accept the report on current and future energy conservation measures to be pursued in Leon County; 2) Direct staff to administer an appropriate selection process and to bring back an agenda item that proposes entering into an agreement with an approved ESCO provider under the terms and conditions of the DMS state contract for the following County buildings: Leon County Jail; Sheriff Administration Building; Leon County Courthouse; Main Library; and, recently acquired Courthouse (Bank of America Building).

17. Acceptance of Priority Ranking for Southside Flooded Property Acquisition and Authorize Staff to Proceed with Purchases per Policy No. 03-01

This agenda item requests acceptance of the priority ranking to acquire flooded property in the Southside project and authorization to proceed with purchases as funds are available per Policy No. 03-01.

Commissioner Proctor moved and was duly seconded by Commissioner Sauls to approve Option 1 (with the addition underlined): Accept ranking and authorize staff to proceed with acquisitions per Board Policy 03-01, Approval Authority for the Acquisition, Disposition, and Leasing of Real Property, and to purchase homesteads only, not vacant lots; a vacant lot that is adjoining a house that is flooded would be brought back to Board.

The following citizens appeared:

Louis Angelotti, 8701 Freedom Road, stated that he is speaking on behalf of Daryl and Crystal Wood who could not be here due to a death in the family. He stated that their property is No. 17 on the property acquisition list. They were concerned that the County was purchasing vacant lots, which were high on the

list for acquisition, when occupied homes were being flooded and should be purchased. Mr. Angelotti also raised the following issues:

- Homes that are not flooded ranked high on the acquisition list
- Some people that had medical problems were not high on the list
- Some homes were on the list but residents lived elsewhere

Commissioner Sauls stated that she reviewed the minutes and on February 25, 2003, the Board indicated that first priority should be given to lots where people were actually living and not vacant lots.

Alvaline Kendall, 1925 Tomberlin Road, commented that Southside property owners had the opportunity to fill out the applications on the Flooded Property Acquisition list. She asked that the Board accept the list and begin the process. She pointed out that when her property floods, she has to use a boat to get out, and her septic tank and phone do not work.

Teresa Heiker, Public Works Stormwater Engineer, explained the process for selecting the homes that would be placed on the acquisition list and responded to concerns. She advised that the County was proposing to purchase homes that flood and the adjoining lots, and in this case it involves four adjacent lots; there are two adjacent lots in the top 15 names on the acquisition list. Ms. Heiker explained that the County would probably review the offers by September.

Commissioner Thael explained that the overall objective is to purchase private property for public purpose and the public purpose is to create capacity for stormwater - a regional stormwater facility. He stated that this requires an approach that aggregates property, and a "Swiss cheese" or "leapfrog" approach is not appropriate. Ms. Heiker explained that the intent is that as structures are removed, staff will be excavating areas in an attempt to pull the water off of the other remaining developed lots.

Commissioner Sauls withdrew her second and Commissioner Proctor withdrew his motion.

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve Option 1: Accept ranking and authorize staff to proceed with acquisitions per Board Policy 03-01, *Approval Authority for the Acquisition, Disposition, and Leasing of Real Property*.

18. Acceptance of Report on the Review of Purchase Evaluation of the Chason Property in Leon County and the Improvement Construction of County Line Road

This item is in response to a Board directive regarding the status of the 688-acre Chason tract purchase evaluation and the County Line Road construction by Wakulla County.

The Board engaged in some discussion regarding their previous direction. They indicated that they thought they were going to accept the report only and not direct staff to pursue purchase of the property, construct a roadway and develop an interlocal agreement at this time.

Commissioner Rackleff moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to continue this item to the July 22, 2003 Board meeting so they can receive further information.

19. Proposed Voluntary Annexation of Brookstone/Sharer Road

This item is a Board review of the voluntary annexation proposal to the City from the owner of approximately 17 acres of property located to the West of Sharer Road and to the South of Interstate Highway 10.

Henree Martin, 1435 Piedmont Drive, appeared on behalf of the applicant and responded to the Board's inquires. She explained that the proposed project is being annexed because it has been approved for federal and state funding for tax credit housing which allows people with moderate to low incomes to live in multi-family projects with rental rates that are substantially below market. Ms. Martin explained that it would be more difficult to obtain permits from the County because of the regulated slopes so the developer requested annexation. The City also provides for water and sewer utility rebates.

Commissioner Winchester engaged in discussion about the possibility of polluting Lake Jackson from the proposed development and pointed out that the County has more stringent stormwater regulations, which provide needed protection to the lakes. He pointed out that the proposal involves construction of four stories, which would be adjacent to single family homes, and its close proximity to Lake Jackson would result in pollution. He urged the Board to deny the request.

Commissioner Winchester moved to approve staff's recommendation, Option 1: Object to the City annexation of the property based on the concerns that the property creates an enclave, initiate mediation as required by the Comprehensive Plan. The motion failed for lack of a second.

Ms. Martin responded that at this point she is not certain what the City will permit and remarked that the City will not allow drainage into an area that does not have capacity. She stated that the fact that this project does not have a huge amount of impervious surface gives assurance that the lake is going to be protected. Ms. Martin stated that she would commit to asking the developer to make certain that Commissioner Winchester will be involved in the discussions with the City on stormwater issues and felt that they would be respectful of his position. Commissioner Winchester stated that he would be interested in seeing the concurrency analysis in any model that indicates that the water management district pond can handle stormwater from any other site in the subject area when the pond cannot handle the current runoff.

Chairman Grippa raised the question: Is the water quality standard different in the City limits in the Lake Jackson basin than the County's water quality standards? Mr. John Kraynak, Environmental Permitting, advised that they are the same as it relates to single family construction which is 1-1/8 inch standard for single-family, but non-single family residential structures have to meet the 50-year retention standard, which is the best standard in the country. He stated that

the City's standard could allow filtration, which is retention standard, that is a much less stringent standard. Commissioner Winchester stated that this is an example of the necessity of having coordinated regulations, unified development code and joint stormwater requirements.

Commissioner Rackleff moved and was duly seconded by Commissioner Maloy to approve Option 2 with an addition as underlined: Do not object to the City annexation of the property and direct staff to monitor the stormwater permitting, the design of the facility and the stormwater discharge. The motion carried 6 – 1 (Commissioner Winchester voted in opposition).

20. Voluntary Annexation of Property on Capital Circle and Monday Road

This item involves Board review of the voluntary annexation proposal to the City from the owner of approximately one-half acre on the southwest corner of Capital Circle Southeast and Monday Road.

The Chairman advised that this item involves a veterinary clinic on ½ acre and the owner wishes to annex realizing that sewer service will not be available until after Capital Circle Southeast is widened from Centerville Road to Tram Road and the lines are extended from Southwood.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0, to approve Option 1: Do not object to the City annexation of the property.

21. Voluntary Annexation of Property South of Buckhead Subdivision

This item involves Board review of the voluntary annexation proposal to the City from the owner of approximately 14.5 acres of property located south of Buckhead Subdivision on Centerville Road.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve Option 1: Do not object to the City annexation of the property.

The Board went to "Citizens to Be Heard" in the agenda.

Public Hearing

22. Second and Final Public Hearing on the Proposed Inclusionary Housing Ordinance

Pursuant to legal advertisement, the second of two public hearings was conducted on the proposed Inclusionary Housing Ordinance. The proposed ordinance would implement the inclusionary housing strategy set out in the Comprehensive Plan through regulation, provision of developer incentives and establishment of administrative roles and duties as it relates to affordable housing.

Tony Biblo, Planning Department, gave a presentation describing the proposed ordinance.

Commissioner Winchester stated that he has concerns with the ordinance and there are issues that are unresolved such as the 100 units and raised the question - how many subdivisions are there that would fall within this ordinance and what is the maximum sales price for affordable housing in the ordinance. Mr. Biblo responded that there are about four subdivisions (20 units) that would fall within the ordinance. Commissioner Winchester stated that this ordinance is not ready to be heard at a public hearing and suggested approval of Option 2 – do not approve the ordinance, and take it back to the drawing board.

The following citizens appeared:

Ted Thomas, 1469 Vieux Carre Drive, stated that it was an acceptable ordinance but that some items could be improved on. He voiced concern about the ten-year limitation for a person to sell their home without a penalty and he recommended that the provision be tied to the federal tax law. The federal tax law basically says that if a person sells their home prior to two years living and owning it, the person would have to pay capital gains; if they own their home more than two years, they would not be subject to capital gains. Mr. Thomas indicated that the media has not recognized the incentives that are in the proposed ordinance for builders and developers such as waiver of permit fees, hookups, and septic tanks and increased density bonuses.

Jaimie Ross, 926 E. Park Avenue, stated that the ordinance does not have to contain a maximum sales price and that inclusionary housing ordinances in various parts of the country do not speak to maximum sales price but speak to eligible households. She also pointed out that there is a snafu with the current formula being tied to the Florida Housing Finance Corporation as it relates to bond programming and indicated that the Leon County HFA will also have to deal with that. Ms. Ross stated that she hopes the Board does not abandon the inclusionary housing ordinance but that it be sent back to staff to address some of the issues. She indicated the importance of having an inclusionary housing ordinance since it is part of the housing element of the Comprehensive Plan. It was pointed out that in one of the earlier draft ordinances there was an incentive that would be an inclusionary zoning S.H.I.P. (State Housing Initiative Plan) strategy included as a provision so that buyers of a home that were produced pursuant to the inclusionary housing ordinance would have down payment (S.H.I.P.) money. When the ordinance went to a higher threshold of a subdivision of 100 units, some incentives were removed, but this is something that could be looked at as suggested by Ms. Ross.

Chairman Grippa advised the County Attorney to ensure that the County is not following Florida Housing Finance rules when dealing with the County's affordable housing issues, because the figure of \$167,000 should not be considered "affordable housing."

Ed Dion, 1105 Lothian Drive, stated that he is not opposed to the idea of economically integrated communities but he is in disagreement as to whom is responsible for paying for it. He stated that the proposed ordinance would affect

the next generation of homebuyers since they will be asked to pay for the cost of providing a very nice home for their neighbor. Mr. Dion stated that affordable housing can be provided through the State Housing Trust Fund through the Sedowski Act and he urged the Board to not adopt the ordinance. Other problems with the ordinance include: not being able to borrow money to develop the land, not being able to find a banker who is willing to lend money to a low income home owner who cannot recover his losses because half the money will have to go to the County if a foreclosure takes place; incentives are insufficient to offset the cost of the requirements of the inclusionary housing. Mr. Dion pointed out that if the County gave the density or other types of bonuses allowed, any neighbor could take the developer and the County to court and claim that they were adversely affected by the bonuses. He stated that quantifiable incentives are needed and this should not be left up to staff, affordable housing is not the same size, shape and look as luxury housing.

John Koelemij, 1006 Gardenia Drive, circulated two items to the Board regarding the impacts that the inclusionary housing ordinance has in other parts of the country. He indicated that a duplex could decrease the value of adjacent homes. Mr. Koelemij raised the question regarding value: What does the State Law require as to the assessment of properties that are affected by non-compatible adjacent-located property such as duplexes, triplexes, or townhouses. He suggested that this would definitely affect State Law since no provision has been made and the County cannot waive a state law; and the proposed ordinance does not define many of the things that the County is going to require so no one knows what to expect.

Katherine Beck, 2292 Hampshire Way, explained that she had previously served on the inclusionary housing committee and pointed out that the subject before the Board is really traditional neighborhood development, an inclusionary neighborhood process. She stated that she was surprised that the affordable level was defined at \$166,000 and indicated that this was excessive. Ms. Beck provided statistics regarding housing in the community and suggested, if the Board is looking for an affordable market, they should appoint another committee to review the matter; that affordable housing is in the range of \$75,000 - \$125,000. The current building community is already providing housing in the range of \$150,000 and above.

Mark Worley, 10080 Buck Point Road, a builder, stated that the cost of housing in the area is one of the highest in the nation due to developmental costs. He voiced concern that government was attempting to tell private enterprise what to build, where to build, and how to build, which he felt was overstepping boundaries. Mr. Worley indicated that the set asides listed in the proposed ordinance are not incentives for developers since they provide the product for builders. He pointed out that the costs for the affordable housing as proposed in the ordinance would be borne by the citizens and other homeowners in the subdivision due to higher development costs, higher lot costs, and higher finished product making it unaffordable for everyone. Mr. Worley urged the Board to re-review the proposed inclusionary housing ordinance.

Forrest Boone, 1213 Conservancy Drive, Three Rivers Housing Foundation, stated that a \$166,000 home could be an affordable housing - 80% of medium

income adjusted for family size in Leon County; this would make the maximum qualifying income \$45,750 if people participate in the programs available with a monthly payment that represents 21% of the gross monthly income. He stated that he hopes substandard housing is not being recommended for the community. Mr. Boone remarked that the proposed ordinance, which calls for recapture of 50 percent of the appreciation of a home after ten years, is not reasonable; that there is no provision for recapture of those funds into an affordable housing trust fund and no provision that specifically directs that those funds be recaptured to provide down payment assistance.

Stan Derzypolski, 4345 Jackson View Drive, builder, appeared and indicated that development costs are astronomical and suggested that schools be built in areas where the County wants growth to go. He stated that he does not see incentives for builders or developers in the proposed ordinance and he is not certain that additional low-income housing is needed. Mr. Derzypolski indicated that the price of housing would increase to pay for the affordable housing in the subdivision. He recommended additional review of the proposed ordinance with builder and developer participation and indicated that the market would satisfy the need.

Penny Herman, 1596 Marion Avenue, stated that she is a broker/owner of her real estate company, and gave statistics of the housing in various quadrants of the County. She indicated that there is a housing shortage in the community and the question should be not where housing should be built but how fast can homes be built.

Commissioner Proctor indicated concern that new homes were not being built on the south side of Leon County.

Chairman Grippa asked that Planning staff supply a list of every vacant lot inside the Urban Service Area (USA) that is not a part of a plantation, that is zoned and ready to go for single family housing. Ms. Herman responded that there were about 10-15 lots on the northeast side.

Randall Webster, P. O. Box 1841, 515 W. Call Street, executive director of Tallahassee Habitat For Humanity, indicated the importance of having inclusionary housing in the community. He pointed out that this is an affordability problem and not a pricing problem. The tools are there to put the financing in place for people to purchase homes but there are not enough buildable sites within the price range. Mr. Webster recommended that the Board use the figures based on the HUD income guidelines based on family size for calculating the income limits for whatever ordinance is put in place. He stated that whatever the final ordinance is, it should tackle issues such as economic diversity and lifestyle transition.

Kevin Koelemij, Approved Realty Consultants, 267 John Knox Road, stated that an issue of importance that has not been discussed and is not addressed in the proposed ordinance is the underwriting criteria by which borrowers must prove their ability to qualify for these loans. He stated that the underwriting standards of Florida Housing Finance Corporation are identical to the Bank of America and pointed out that it is important to determine who the people are that need

assistance and what kind of assistance is needed, which is not included in the proposed ordinance. He stated that he and other realtors and builders in the community are committed to working with the Board towards affordable housing and inclusionary housing.

(It was noted that Mr. Allen Joseph, 2387 Tina Drive, submitted a speaker card but had left before speaking.)

Carol Kio-Green, 4823 Sullivan Road, stated that she supports an inclusionary housing ordinance and recommended whoever works on it, that they make sure that the ordinance reflects the policies of the Comprehensive Plan. She stated that the only way to truly have inclusionary housing is to make sure that the ordinance does apply to the small and medium scale developments but that it applies in a different fashion. Ms. Kio-Green indicated that the price of \$161,000 for an affordable house is out of line. She stated that the 10-year time frame for selling an inclusionary home should be the minimum since the ordinance is about owning a home, not selling one.

George E. Lewis, II, 203 N. Gadsden Street #6, suggested that the Board continue this item, collect the information discussed tonight and have it put in an agenda package to assimilate. Mr. Lewis indicated that there were some dangerous and absurd provisions and possibly an unconstitutional provision in the proposed ordinance dealing with the ten-year requirement prior to selling the home. Other concerns Mr. Lewis mentioned involved the following:

- Lack of residential preservation protection
- No maximum number of units
- Alleged that the aggregation rule on page 6 is illogical
- Market place should have the ability to adjust the design standards
- Zoning waiver should not be included

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Option 2 with the addition as underlined: Conduct the second public hearing on the proposed Inclusionary Housing Ordinance and do not adopt the ordinance and to direct staff to go back and work with the groups and attempt to come up with something acceptable, realistic and incentive-based.

Commissioner Winchester clarified that the intent of the motion was to direct staff to regroup and try and work with the various groups to bring back an ordinance in the fall. He also suggested that the ordinance include the option "or fee in lieu of" and addresses Comprehensive Plan and affordability issues. Commissioner Rackleff suggested leaving out the maximum sales price and leave as the criteria, that someone with 80% of the area medium family income as the qualified pool of buyers, which leaves the builder and developer to decide how to meet the requirement and allows flexibility. Chairman Grippa indicated the importance of looking at supply and demand. Commissioner Proctor suggested meeting with the building/developing community to determine what is necessary to encourage building in the southern part of the County rather than builders going to Wakulla County to build. Commissioner Thael pointed out that it was not necessary to convene a new committee on the inclusionary housing ordinance, but suggested hearing input from the industry.

The motion on the floor carried unanimously, 7/0.

23. Public Hearing on Adoption of a Non-Ad Valorem Assessment Roll for the Gateshead Circle 2/3 – 2/3 Project

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Thael was out of the Chambers), to approve Options 1 and 2: 1) Conduct the additional public hearing regarding adoption of the non-ad valorem assessment roll for the Gateshead Circle 2/3-2/3 Project; 2) Adopt the non-ad valorem assessment roll.

24. Public Hearing on Proposed Amendments to the Land Development Regulations to Implement Site Specific Zoning Districts in the Woodville Area

Pursuant to legal advertisement, the first public hearing was conducted on proposed amendments to the Land Development Regulations (LDRs) required to implement the recently approved Woodville Rural Community Future Land Use designation in the Comprehensive Plan. These amendments will facilitate implementation of Site Specific Zoning Districts in Woodville.

Carol Kio-Green, 4823 Sullivan Road, appeared and spoke on the three commercial districts – C-1, C-2 and Woodville Commercial District. She brought up issues dealing with septic tank use, locational criteria/major collector roadways, and open space district language. Ms. Kio-Green referred to page 18 of Attachment 1 regarding permitted uses. She stated that the language on page 18 does not reflect the language in the Comprehensive Plan and suggested that there should be a notation indicating that active recreational facilities are not allowed outside of the rural community or urban service district.

David McDevitt, GEM, responded to issues raised by Ms. Kio-Green and pointed out that C-1 and C-2 are site specific zoning districts that would occur inside the USA and there is a limitation on their size. He concurred with Ms. Kio-Green and indicated that some tweaking may be necessary when it does occur outside the USA and the Woodville Rural Future Land Use designation. Chairman Grippa stated that Ms. Kio-Green brought up some good points and suggested that staff meet with her prior to the second public hearing and obtain a copy of the issues and circulate them. Mr. McDevitt stated that he would meet with Ms. Kio-Green.

Commissioner Rackleff moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of the Chambers), to approve Options 1 and 2: 1) Conduct the first of two public hearings on the proposed ordinance to implement the Woodville Rural Community Future Land Use designation from the Comprehensive Plan; 2) Notify the public that the second public hearing on the ordinance is scheduled for July 22, 2003.

25. Second and Final Public Hearing to Consider Adoption of a Proposed Ordinance for the Establishment of Rural Road Designation in the Bradfordville Area with Associated Development and Regulatory Provisions

Chairman Grippa announced that this item would be continued due to an error in the legal advertisement.

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of the Chambers), to continue the public hearing to July 22, 2003 at 6:00 p.m.

26. Public Hearing on the Proposed Sable Chase Residential Subdivision Type C, Site and Development Plan

Pursuant to legal advertisement, a public hearing was conducted on the proposed Type C Site and Development Plan for the Sable Chase Residential Subdivision.

The following citizens appeared:

Brad Trotman, 7110 Beechridge Trail, representing Killearn Lakes Homeowners Association, appeared in support of the project.

Mehrdad Ghazvini, 6000 Boynton Homestead, thanked Killearn Lakes Homeowners Association, Board of Directors, for their assistance and advised that he would continue working with them.

Commissioner Thaelin inquired if the conservation easement issue in the North and East boundaries dealing with the placement of sewer lines got resolved. Mr. David McDevitt, Development Services, explained that the sewer line was located and there would be further review.

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of the Chambers), to approve Option 1: Conduct the first and only public hearing and approve the Type C Site and Development Plan for the Sable Chase Residential Subdivision based on the findings, conclusions, and recommendation of the DRC.

The Board then entered discussion of Item 15.

Citizens to Be Heard on Non-Agenda Items:

Chairman Grippa inquired about the Court case re: Subrahmanyam. County Attorney Thiele advised that a case was ongoing and cautioned the Board about discussing the merits of the case since it is an active lawsuit; another hearing will be held and the County Attorney has filed a response to the petition pursuant to the Court's Order which is now pending before the Court.

The following citizens appeared:

Angela Maige, 1250 Dove Roost Trail, stated that she would like to set the record straight and dispel rumors regarding the proposed Seminole Speedway. She stated that there is the misconception that Mrs. Becky Subrahmanyam is alone in her mission to prevent the racetrack from going forward. Ms. Maige stated that

she fully supports Mrs. Subrahmanyam, hopes that politics will be left out of the decision, and indicated her opposition to the racetrack due to the noise level, traffic problems, decreased property value, and environmental issues.

Louis Maige, 1250 Dove Roost Trail, also voiced opposition to the speedway and indicated that it was rumored that if the racetrack were not allowed to reopen, then a high-density HUD development would be constructed in its place.

Commissioner Thaeli pointed out that there are older zonings in residential areas throughout the County that have similar characteristics to the subject parcel. Some of the zoning classifications were appropriate years ago but because of the growth patterns, residential areas have grown and the zoning has not been activated in terms of development applications. He requested that Planning staff bring back a list of properties that are similar in nature as the speedway, ones that are zoned improperly due to residential areas expanding over the years, i.e., incompatible uses next to residential areas and begin addressing them in a proactive way. The Chairman pointed out that staff has already been directed to do this. The County Administrator advised that the item would be brought back.

Becky Subrahmanyam, 1257 Cornerstone Lane, distributed notebooks with information and spoke on their opposition to the proposed Seminole Speedway proposed to be located on Highway 20. She stated that she wanted to clarify a few things regarding a petition that was circulated by the racetrack applicant some time ago. She advised that she has collected everything that she could find that was written in opposition to the racetrack, listed names of people who opposed the racetrack, made notation if they were homeowners and included their comments; a list of petitioners supporting the raceway and relative information was also included. Ms. Subrahmanyam read a letter from Cornelia Nelson who opposed the racetrack. Mrs. Subrahmanyam also remarked that a HUD development would be too high an intensity for the area.

C. T. Subrahmanyam, 1257 Cornerstone Lane, requested that the Board take notice of what is going on in the west side of the County as it relates to zoning laws, LDRs, and Comprehensive Plan. He indicated support for his wife's efforts and the DRC's decision.

Ruth Braswell, 101 Nature Trail, voiced opposition to the speedway, and read a letter to the Board. She stated that when the racetrack was first constructed, the area was not as populated as it is now, and suggested that the Board rectify a rezoning oversight. Ms. Braswell suggested that the County purchase the property and convert it into a park with nature walks, tennis and basketball courts and baseball fields.

Commissioner Thaeli moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of the Chambers), to extend the meeting past curfew to 11:10 p.m.

Carol Kio-Green, 4823 Sullivan Road, showed her support for the Subrahmanyams and urged the Board to review the LDRs.

Ms. Kio-Green also spoke on the inclusionary housing ordinance and wanted to correct the record, that the proposed ordinance does address the southern and western part of the County.

The Chairman suggested having a town meeting on the issue rather than discussing the speedway issue again during a Board meeting. The Board indicated that any citizen could approach the Board on any subject.

Commissioner Thaell moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of the Chambers), to continue the meeting to 11:15 p.m.

Discussion Items by Commissioners

Commissioner Thaell:

- a. Thanked staff for the work done on the markers for Lake Talquin noting that there are some related expenses and asked staff to bring the issue up during budget discussions. Commissioner Sauls advised that the item was supposed to come back as an agenda item and the Board concurred.
- b. Advised that Marjorie Turnbull and Janet Hinkle of the Cultural Resources Committee would like another opportunity to address the Board. County Administrator Alam advised that a presentation has been scheduled for July 22, 2003
- c. Reported that the Architectural Review Board (ARB) has requested a waiver so that J. Terry Peterson can continue to serve on the ARB.
- d. Advised that he received a request for \$500 from Messer Park Jr. Major League, to help with travel expenses.

Commissioner Maloy

Asked for prayers for the family of Deacon Cornelius Speed who passed away Saturday. He also offered condolences to former Commissioner J. Lee Vause whose wife recently passed away.

Chairman Grippa:

- a. Asked for an agenda item for the July 22, 2003 meeting on the request for a letter of support for the Mt. Olive Housing and Community Development Corporation (Kenny Barber), which involves a micro-enterprise development.
- b. Proposed a cooperative program with the City of Tallahassee, Talquin Electric Cooperative, Inc., and the County for conversion of septic tanks to sewers inside the Urban Service Area (USA) on tracts of land less than one acre. Chairman Grippa asked that staff investigate the proposal for a partnership with Talquin, County, and homeowner paying one-third the cost and funded from a water quality budget. An agenda item would be prepared and it would include eligible lots.

Commissioner Sauls

Reported that she and Commissioner Thael will be meeting in the morning with two City Commissioners (MPO Sub-committee) regarding Gaines Street and wanted to ensure that the meeting had been properly advertised. Val Hubbard, Acting Planning Department Director, explained that there was a press release and it was on the list of meetings, therefore it was adequately noticed.

There being no further business to come to the Board, Commissioner Rackleff moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of the Chambers), to adjourn the meeting at 11:20 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court